

Attachment C

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DETERMINING THE SCOPE AND NATURE
OF ESTABLISHED VESTED RIGHTS
FOR THE MINE KNOWN AS THE CAYUCOS PIT AND/OR
WHALE ROCK PIT (CA MINE ID#91-40-0010)

The following resolution is now offered and read:

WHEREAS, on or about March 23, 2013, Petitioners Negranti & Sons, a California corporation, and Mainini Management Company LLC, a California limited liability company filed a Petition for Writ of Mandate and Complaint for Declaratory Relief against the County of San Luis Obispo; and

WHEREAS, in response to that Petition, the parties agreed via a Stipulated Judgment that the County of San Luis Obispo would hold a hearing before the Board of Supervisors to determine the scope of vested rights of petitioners to conduct surface mining at the Whale Rock Pit (CA Mine ID#91-40-0010) located in Cayucos, California, and the Superior Court entered said Stipulated Judgment on January 3, 2014; and

WHEREAS, pursuant to the parties' Stipulated Judgment and consistent with the Surface Mining Reclamation Act (Public Resources Code § 2710, et seq.) and the California Code of Regulations (14 C.C.R. § 3950, et seq.), a public hearing was duly noticed and conducted by the Board of Supervisors on June 17, 2014; and

WHEREAS, the duly noticed public hearing was continued to October 21, 2014, and November 25, 2014, and then conducted on February 10, 2015 where a determination and decision was made by

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the Board of Supervisors on the nature and scope of vested rights of petitioners to conduct surface mining at the Whale Rock Pit, and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written reports, protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said vested rights determination; and

WHEREAS, the Board of Supervisors has duly considered the evidence presented and finds that vested rights should be determined as set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this item is not subject to the California Environmental Quality Act pursuant to Public Resources Code section 21080 because it is not a "project" under the meaning of Public Resources Code section 21065.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: January 28, 2015

SS

EXHIBIT A

**VESTED RIGHTS DETERMINATION FOR THE WHALE ROCK PIT / CAYUCOS PIT
CA MINE ID # 91-40-0010**

1. Vested Rights associated with the ***Limits of the Mining Area*** shall be limited to the area described as “Parcel 3D plus the area of use before the date the use became non-conforming” as shown in Attachment A (refer to Figure 7).
2. Vested Rights associated with the ***Maximum Annual Production*** include the right to produce an amount of material that corresponds to market demand, so long as the amount does not substantially exceed the amount of materials extracted in past years sufficient to constitute a substantial change in operations.
3. Vested Rights associated with the ***Type of Mining*** shall be those activities that are required for the type of material encountered in the vested mining area and necessary to produce the various products for the consumption area.